

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 97-105-T - ORDER NO. 98-337

MAY 11, 1998

IN RE:	Application of Monro Moving & Storage Co.,	)	ORDER
	1809 Wylds Road, Augusta, GA 30909	)	GRANTING
	(Mailing Address: P. O. Box 14397, Augusta,	)	CERTIFICATE
	GA 30909), for a Class E Certificate of Public	)	
	Convenience and Necessity.	)	

This matter comes before the Public Service Commission of South Carolina ("the Commission") on the Application of Monro Moving & Storage Co., 1809 Wylds Road, Augusta, GA 30909 ("Monro" or "the Company") for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210 (1):

Between Points and Places in Aiken, Edgefield and McCormick Counties in South Carolina.

The Commission's Executive Director required Monro to publish, one time, a Notice of Filing in newspapers of general circulation in the area in which service is sought. The Notice of Filing informed interested persons of the manner and time to participate in this case before the Commission. The Company complied with the instructions of the Executive Director and filed affidavits of publication as proof of compliance. Petitions to Intervene were filed by J. Scott Dickerson, Vice President of Smith Dray Lines; Dale J. Cook, President of Azalea Moving & Storage, Inc.; Darrell

Chavis, President of Chavis Moving & Storage; and B.R. Bland of Lytle's Transfer & Storage, Inc.<sup>1</sup> A hearing was held on this matter on April 16, 1998, at 2:30 p.m. in the Commission's Hearing Room at 111 Doctors Circle, Columbia, South Carolina. The Honorable Guy Butler, Chairman, presided. William A. Monro, President of Monro Moving & Storage Co. appeared and testified in support of the Application. The Commission Staff was represented by Florence P. Belser, Staff Counsel. Staff did not present a witness. None of the Intervenors appeared at the hearing.

#### **APPLICABLE LAW**

In determining whether to issue a Certificate of Public Convenience and Necessity for a carrier of household goods, the Commission is guided by the S.C. Code Ann. §58-23-590 (Supp. 1997). S.C. Code Ann. §58-23-590(C) provides that:

The commission shall issue a common carrier certificate ... of public convenience and necessity if the applicant proves to the [C]ommission that:

- (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the [C]ommission's regulations; and
- (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

The Commission is further guided by 26 S.C. Code Ann. Reg. 103-133 (Supp. 1997) which provides in relevant part as follows:

...The following criteria should be used by the Commission in determining that an applicant for motor carrier operating

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<sup>1</sup> Prior to the hearing in this matter, B. R. Bland withdrew his intervention.

authority is fit, willing, and able to provide the requested service to the public:

- (a) FIT. The applicant must demonstrate or the Commission determine that the Applicant's safety rating is satisfactory. This can be obtained from U.S.D.O.T, SCDHPT, and PSC safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agrees to operate in compliance with these statutes and regulations.
- (b) ABLE. The applicant should demonstrate that he has either purchased, leased, or otherwise arranged for obtaining necessary equipment to provide that service for which he is applying. The applicant should also provide evidence of in the form of insurance policies or insurance quotes, indicating that he is aware of the Commission's insurance requirements and the costs associated therewith.
- (c) WILLING. Having met the requirements as to "fit and able", the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

#### **EVIDENCE OF RECORD**

Mr. Monroe testified in support of the Application. Mr. Monroe stated that Monroe had been an agent for Allied Van Lines for 20 years and that Monroe is fully certified to operate in the State of Georgia. Mr. Monroe stated that he receives calls for local moves in the counties in which he seeks authority and stated that he desires to perform local moves in those counties near Augusta. Mr. Monroe stated that the Company has adequate equipment with which to service the area for which he seeks authority and further stated

the Company's equipment is in good condition and that it has passed inspection in Georgia. Mr. Monroe also testified that the Company has sufficient insurance for the protection of the public in amounts which are greater than are required by the Commission.

Mr. Monroe stated that the Company has not heretofore performed any intrastate moves of personal household goods in South Carolina. According to the Application, Mr. Monroe certified in the Application that there are no outstanding judgments pending against the Company. Further, Mr. Monroe stated he is familiar with the Commission's Rules and Regulations and stated that he agrees to operate in compliance with those Rules and Regulations.

Mr. Monroe also indicated that the Public Convenience and Necessity would not be harmed by his entry into the South Carolina market. Mr. Monroe stated that his business has received calls for intrastate moves in South Carolina but that he has refused to make those moves as he did not have authority.

### **FINDINGS AND CONCLUSIONS**

Upon consideration of the Application, the representations contained therein and documentary evidence attached thereto, and the evidence presented at the hearing, the Commission makes the following finds of fact and conclusions of law:

1. Monroe is fit, willing, and able to perform household goods moving services in the State of South Carolina. Monroe demonstrated its fitness by certifying that there are no outstanding judgments pending against it and that its principals are familiar with and will operate in compliance with all statutes and regulations governing for-hire

motor carrier operation in South Carolina. Further, Monro has demonstrated that it is able to perform the services by demonstrating that it has suitable equipment for the provision of moving services. Additionally, Monro has demonstrated that it has insurance coverage which exceeds the minimum required by the Commission. Finally, Monro has demonstrated willingness to perform the services by making application for authority, by attending the hearing on this matter, and by stating that it desires to provide the services for which it seeks authority.

2. The Commission finds that the Public Convenience and Necessity requires the issuance of authority to Monro. The Commission concludes that Monro has demonstrated a need for its services. Therefore, the Commission determines that Monro should be granted the following scope of authority to move household goods in South Carolina:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210 (1):

Between Points and Places in Aiken, Edgefield and McCormick Counties in South Carolina.

IT IS THEREFORE ORDERED THAT:

1. The Application for a Class E Certificate of Public Convenience and Necessity be approved for authority to transport household goods as follows:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210 (1):

Between Points and Places in Aiken, Edgefield and McCormick Counties in South Carolina.

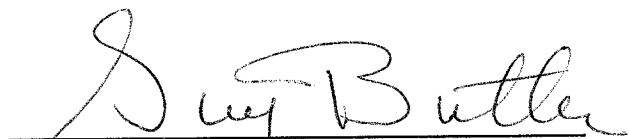
2. The Applicant shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-280 of the Commission's Rules and Regulations for Motor Carriers, as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and the applicable provisions of 26 S.C. Code Ann. Regs. 103-100 through 103-280 of the Commission's Rules and Regulations for Motor Carriers, as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services approved and granted herein.

4. Prior to compliance with the requirements listed herein and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. This Order shall remain in effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:



Executive Director

(SEAL)